

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
JULY 12, 2017**

**CALL TO  
ORDER  
6:00 pm**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11<sup>th</sup> Street W, Ste. 200, Kalispell, Montana. Board members present were Rita Hall, Dean Sirucek, Jim Heim, Jeff Larsen, Greg Stevens and Mike Horn. Sandra Nogal, Ron Schlegel and Kevin Lake had an excused absence. Kari Nielson and Rachel Ezell represented the Flathead County Planning & Zoning Office.

There were approximately 8 people in the audience.

**APPROVAL OF  
MEETING  
MINUTES  
6:01 pm**

Sirucek made a motion, seconded by Hall to approve the June 14, 2017 meeting minutes.

**BOARD  
DISCUSSION  
6:01 pm**

None

**ASK THE  
QUESTION  
6:01 PM**

Larsen asked the question.

**ROLL CALL TO  
APPROVE  
MEETING  
MINUTES  
6:01 pm**

On a roll call vote the motion passed unanimously.

**PUBLIC  
COMMENT  
(not related to  
agenda items)  
6:01 pm**

None

**CLIFF &  
TAWNYA BELL  
(FZC-17-04)  
6:02 pm**

A zone change request by Cliff & Tawnya Bell in the Schroeder Ridge Zoning District. The proposal would change the zoning on a parcel containing 26.1 acres from SAG-10 (Suburban Agricultural) to SAG-5 (Suburban Agricultural). The subject property is located at 3212 Whitefish Stage Road and can legally

be described as follows:

That portion of the Northwest Quarter of the Northwest Quarter of Section 8, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, lying Westerly of the County Road excepting therefrom the North 200 feet.

**STAFF REPORT  
6:02 pm**

Nielson reviewed Staff Report FZC-17-04 for the Board.

**BOARD  
QUESTIONS  
6:03 pm**

Larsen asked about spot zoning.

Nielson stated the SAG-10 and SAG-5 are similar enough that it does not meet that requirement.

Hall asked when the applicant acquired the property.

Bell stated a year ago.

**APPLICANT  
PRESENTATION  
6:05 pm**

Cliff Bell-111 Landmark Lane, Bigfork-gave a brief overview of the subject property and noted lot sizes to the north and east of the property more closely align with SAG-5, Suburban Agriculture zoning designation.

**BOARD  
QUESTIONS  
6:06 pm**

None

**AGENCY  
COMMENTS  
6:06 pm**

None

**PUBLIC  
COMMENT  
6:07 pm**

None

**APPLICANT  
REBUTTAL  
6:07 pm**

None

**BOARD  
QUESTIONS  
6:07pm**

None

**STAFF  
REBUTTAL**

None

**6:08 pm**

**BOARD  
QUESTIONS**

None

**6:08 pm**

**MAIN MOTION  
TO ADOPT  
F.O.F.**

Stevens made a motion seconded by Heim to adopt Staff Report FZC-17-04 as Findings of Fact as written.

**(FZC-17-04)**

**6:08 pm**

**BOARD  
DISCUSSION**

None

**6:08 pm**

**ASK THE  
QUESTION**

Sirucek asked the question.

**6:47 pm**

**ROLL CALL TO  
ADOPT F.O.F.**

On a roll call vote the motion passed unanimously.

**(FZC-17-04)**

**6:08 pm**

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL**

Stevens made a motion seconded by Hall to adopt Staff Report FZC-17-04 and recommend approval to the Board of County Commissioners.

**(FZC-17-04)**

**6:08 pm**

**BOARD  
DISCUSSION**

None

**6:09 pm**

**ROLL CALL TO  
RECOMMEND  
APPROVAL**

On a roll call vote the motion passed unanimously.

**(FZC-17-04)**

**6:10 pm**

**NATHAN &  
AUTUMN  
MCLEAN**

A zone change request by Nathan & Autumn McLean in the Highway 93 North Zoning District and Birch Grove Zoning District. The proposal would change the zoning on a parcel

**(FZC-17-05)**  
**6:10 pm**

containing 10.623 acres from *SAG-10 (Suburban Agricultural)* to *SAG-5 (Suburban Agricultural)*. The subject property is located at 69 Autumn Glory Way near Kalispell, MT and can legally be described as follows:

Tract 1 of Correction Certificate of Survey No. 7133, located in the Northeast Quarter of the Southeast Quarter of Section 8, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

**STAFF REPORT**  
**6:11 pm**

Ezell reviewed Staff Report FZC-17-05 for the Board.

**BOARD**  
**QUESTIONS**  
**6:13 pm**

Larsen asked about spot zoning.

Ezell stated the uses are similar in both SAG-10 and SAG-5 and the zone change is not detrimental to surrounding properties.

**APPLICANT**  
**PRESENTATION**  
**6:13 pm**

Kevin Nelson-Marquardt Surveying-730 3<sup>rd</sup> Ave E, Kalispell was representing the applicant. He stated the applicant wanted the zone change to have better use of the property. The property is restricted as to use as it is divided by the river.

**BOARD**  
**QUESTIONS**  
**6:13 pm**

Hall asked how the property would be divided.

Nelson state east to west.

**AGENCY**  
**COMMENTS**  
**6:15 pm**

None

**PUBLIC**  
**COMMENT**  
**6:15 pm**

None

**APPLICANT**  
**REBUTTAL**  
**6:15 pm**

None

**BOARD**  
**QUESTIONS**  
**6:16 pm**

None

**STAFF**  
**REBUTTAL**

None

**6:16 pm**

**BOARD  
QUESTIONS**

**6:16 pm**

None

**MAIN MOTION  
TO ADOPT  
F.O.F.**

**(FZC-17-05)**

**6:16 pm**

Sirucek made a motion seconded by Horn to adopt Staff Report FZC-17-05 as Findings of Fact as written.

**BOARD  
DISCUSSION**

**6:17 pm**

None

**ASK THE  
QUESTION**

**6:17 pm**

Larsen asked the question.

**ROLL CALL TO  
ADOPT F.O.F.**

**(FZC-17-05)**

**6:17 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL**

**(FZC-17-05)**

**6:17 pm**

Heim made a motion seconded by Hall to adopt Staff Report FZC-17-05 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION**

**6:17 pm**

None

**ROLL CALL TO  
RECOMMEND  
APPROVAL**

**(FZC-17-05)**

**6:17 pm**

On a roll call vote the motion passed 5-1 with Hall dissenting.

**JUSTIN &  
ANNETTA BEAN  
(FPP-17-04)**

A request from Jackola Engineering & Architecture, on behalf of Justin & Annetta Bean, for preliminary plat approval of Riverside Subdivision, a proposal to create three (3) lots

**6:18 pm** intended for residential use on 21.605 acres. The property is located at 1390 Riverside Road and would be served by individual wells and septic. The property is currently unzoned and can legally be described as Tract 2 of COS 11604 located in Government Lot 5 in the Northeast Quarter of the Southeast Quarter of Section 33, Township 28 North, Range 20 West, P.M.M., Flathead County, Montana.

**STAFF REPORT**  
**6:18 pm** Nielson reviewed Staff Report FPP-17-04 for the Board.

**BOARD QUESTIONS**  
**6:18 pm** Stevens asked about the variance meeting the criteria required. Nielson explained the variance request and the 5 criteria needed.

**APPLICANT PRESENTATION**  
**6:23 pm** Bob Erickson-Jackola Engineering-2250 Highway 93 S, Kalispell-stated he represented the applicant. He stated that 2 of the lots would enter onto Riverside Road and the third lot would enter onto the private road which would cause no additional impact to that road. He requested that condition 4 be removed if the variance was granted.

**BOARD QUESTIONS**  
**6:25 pm** Hall commented that she liked the proposal.

**AGENCY COMMENTS**  
**6:26 pm** None

**PUBLIC COMMENT**  
**6:26 pm** **Debra Lenser** – daughter owns the property to the south of the proposed subdivision and they are concerned about road maintenance.  
**Jerry Lenser** – daughter owns the property to the south. A business uses the property on the west. He wanted to know what their responsibility for maintenance of the private road would be.  
**Daniel Lawler** – 1398 Riverside Road stated he shares the maintenance of the road, especially in the winter. The business on the west has approximately 15-20 cars on the property regularly. There was no road maintenance agreement, it was voluntary road maintenance.  
**Steve Rice** – 44 Riverside Lane – Owns property to the north of the proposed subdivision. Supports the proposal and thinks this is a positive addition to the neighborhood.

**APPLICANT  
REBUTTAL  
6:35 pm**

Erickson stated that there was a road maintenance agreement on the road which specifically excluded the subject property.

**BOARD  
QUESTIONS  
6:35pm**

None

**STAFF  
REBUTTAL  
6:37 pm**

Staff and the Board discussed condition 4.

**BOARD  
QUESTIONS  
6:37 pm**

None

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FPP-17-04)  
6:37 pm**

Sirucek made a motion seconded by Hall to adopt Staff Report FPP-17-04 as Findings of Fact as written.

**BOARD  
DISCUSSION  
6:38 pm**

Stevens mentioned the lack of undue hardship on the applicant and that the variance does not meet the criteria.

Discussion regarding the existence of undue hardship.

**SUBSIDIARY  
MOTION  
(FPP-17-04)  
6:38 pm**

Stevens made a motion seconded by Larsen to delete finding 15.

**BOARD  
DISCUSSION  
(FPP-17-04)  
6:39 pm**

Larsen discussed the criteria for a variance and the subdivision regulations requiring road standards.

The Board discussed road and fire standards at length.

**ROLL CALL ON  
SUBSIDIARY  
MOTION  
DELETE  
FINDING 15  
(FPP-17-04)  
6:55 pm**

On a roll call vote the motion failed 2-4 with Heim, Larsen, Sirucek, and Horn dissenting.

**SUBSIDIARY  
MOTION TO  
CHANGE  
FINDING 15  
(FPP-17-04)  
6:59 pm**

Sirucek made a motion seconded by Stevens to amend Finding 15 to read as follows:

“The requested variance does not meet the criteria required for a variance to be granted.”

**BOARD  
DISCUSSION  
(FPP-17-04)  
6:59 pm**

None

**ASK THE  
QUESTION  
6:59 pm**

Larsen asked the question.

**ROLL CALL TO  
AMEND  
FINDING 15  
(FPP-17-04)  
6:56 pm**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO  
ADOPT F.O.F.  
AS AMENDED  
(FPP-17-04)  
7:00 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL  
(FPP-17-04)  
7:01 pm**

Heim made a motion seconded by Horn to adopt Staff Report FPP-17-04 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION  
7:01 pm**

None

**ROLL CALL TO  
RECOMMEND  
APPROVAL  
(FPP-17-04)  
7:01 pm**

On a roll call vote the motion passed 4-2 with Sirucek and Hall dissenting.



**OLD BUSINESS**      None  
**7:06 pm**

**NEW BUSINESS**      None  
**7:06 pm**

**ADJOURMENT**      The meeting was adjourned on a motion by Sirucek at  
**7:06 pm**      approximately 7:06 pm. The next meeting will be held on  
September 13, 2017 at 6:00 pm.

  
\_\_\_\_\_  
Jeff Larsen, Chairman

  
\_\_\_\_\_  
Danene Thornton, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 9/13/17